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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

ROSALIND BROWN,

Plaintiff,

vs.

RESORTSTAY INTERNATIONAL, LLC, a  
Nevada Limited Liability Company;  
STARPOINT RESORT GROUP, INC., A  
Nevada Corporation,

Defendant.

Case No.: 2:16-cv-02747-JAD-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY AND OTHER  
DEADLINES  
(FIFTH REQUEST)**

Defendants ResortStay International, LLC and Starpoint Resort Group, Inc. (collectively, “Defendants”) and Plaintiff Rosalind Brown (“Plaintiff”), by and through undersigned counsel, hereby stipulate and request that the discovery cut off (currently set for April 9, 2018), as well as related dates, be extended for a period of ninety (90) days. This request is submitted pursuant to LR 6-1, 6-2, 7-1 and 26-4 and is the parties’ fourth request.

**I. DISCOVERY COMPLETED TO DATE**

Defendants served their Initial Disclosures on or about April 18, 2017. Plaintiff served her Initial Disclosures on or about May 11, 2017. Plaintiff served her Requests for Production of Documents and Interrogatories on or about August 7, 2017. Defendants’ responded to these

1 discovery requests on October 5, 2017. The parties have been meeting and conferring as to  
2 supplemental responses.

3 Defendants deposed Plaintiff on September 13, 2017. Plaintiff deposed Richard Braglia  
4 and Frank Braglia on October 10, 2017.

5 **II. REMAINING DISCOVERY TO BE COMPLETED**

6 Plaintiff has requested to take the depositions of Shelley Brittell, Angelica Talamaya,  
7 Jessica Carranza-Sanchez, Miranda Cox, Jim Danz, Brad Benson and Darren Horvath in the near  
8 future. The parties are conferring on these depositions. Additional written discovery and  
9 supplemental document requests might also be completed by the parties.

10 **III. REASONS DISCOVERY CANNOT BE COMPLETED WITHIN THE**  
11 **DEADLINE**

12 Although the parties have worked diligently to satisfy the current discovery deadlines, it is  
13 unlikely that all required discovery and requested depositions can be completed within the current  
14 discovery deadline. Some of the witnesses are out of state and former employees, and the parties  
15 are working with their schedules. Moreover, it has been difficult to schedule some of the  
16 remaining depositions of former employees that reside in and out of the state of Nevada due to the  
17 holiday season and convention schedule.  
18

19 At the same time new attorneys have been assigned to this case due to Erica J. Chee, prior  
20 lead associate with Ogletree, Deakins, Nash, Smoak & Stewart, P.C. ("Ogletree"), leaving the firm.  
21 These new attorneys, due to the expansiveness of this matter's record, have needed more time than  
22 was anticipated to catch up and fully understand the issues in this matter.  
23

24 The parties have been meeting and conferring as to responses to written discovery and  
25 supplemental responses. Defendants are performing additional searches, but the process has taken  
26 longer than anticipated.  
27  
28

1 **IV. REVISED PROPOSED DISCOVERY PLAN**

2 All discovery in this case will be conducted in accordance with the Federal Rules of Civil  
3 Procedure and applicable Local Rules of this District Court. The parties propose to the Court the  
4 following cut-off dates:

5 **A. Discovery Cut-Off Date:** The discovery cut-off deadline shall be **Monday, July 9,**  
6 **2018** (ninety-one days after the current deadline, as the 90th day falls on a Sunday).

7 **B. Dispositive Motions:** Dispositive motions shall be filed by **Wednesday, August 8,**  
8 **2018** (thirty (30) days after the discovery cut-off date of July 9, 2018) in accordance with Local  
9 Rule 26-1(e)(4)).

10 **C. Motions In Limine/Daubert Motions:** Pursuant to Local Rule 16-3(b), any  
11 motions in limine, including *Daubert*-type motions, shall be filed and served thirty (30) days prior  
12 to trial. Oppositions shall be filed and served and the motion submitted for decision fourteen (14)  
13 days thereafter. Reply briefs shall only be allowed with leave of court, unless the District Judge  
14 issues an order with a different deadline or briefing schedule.

15 **D. Pretrial Order:** The Pretrial Order shall be filed no later than **Friday, September**  
16 **7, 2018** in accordance with Local Rule 26-1(e)(5). In the event dispositive motions have been  
17 filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive  
18 motions or further order of the Court.

19 **E. Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.  
20 26(a)(3), and any objections thereto, shall be included in the final pretrial order in accordance with  
21 Local Rule 26-1(e)(6).

22 **F. Extension Or Modification Of The Discovery Plan And Scheduling Order:** In  
23 accordance with Local Rule 26-4, any motion or stipulation to extend a deadline set forth in this  
24 discovery plan and scheduling order shall be received by the Court no later than twenty-one (21)  
25

1 days before the expiration of the subject deadline. Any request thereafter, shall only be granted  
2 with a showing of good cause.

3 This Stipulation to Extend Discovery and Other Deadlines is not submitted for purposes of  
4 delay.

5 For all the reasons stated above, good cause exists to extend the discovery cut-off in this  
6 matter.

7 Dated this 20th day of March, 2018.

8  
9 LAW OFFICES OF MICHAEL P. BALABAN

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
P.C.

10 /s/ Michael P. Balaban

/s/ Jill Garcia

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15  
16  
17 **ORDER**

18 IT IS SO ORDERED.

19   
20 U.S. MAGISTRATE JUDGE

21 March 20, 2018

22  
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28 DATE